

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
JUNE 17, 2010
7:20 P.M.**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Michael Christensen	City Attorney
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
EXCUSED:	Scott Ericson	Councilmember

The meeting was delayed due to a UTOPIA public hearing held at the Community Center that adjourned at 7:05. Mayor Fife called the meeting to order and excused Councilmember Ericson. The Reverence Period was given by Bishop Killpack of the LDS 6th Ward. The scouts in the audience led the Pledge of Allegiance.

Approval of Minutes - A motion to approve the minutes of June 3, 2010 Work Session and Council meeting was made by Councilmember Marabella, seconded by Councilmember Jensen. Councilmember Christensen stated that as he read the minutes of the June 3, 2010 Council meeting, he saw his name was used by Councilmember Jensen. He cannot change the minutes, but he wanted it known that he was not quoted correctly. He wanted it on the record that he is signed up with Connected Lyfe with UTOPIA and he is pleased with the service. He has had problems with the phone, as well as his family; however, those problems have gone away. The other two services were fine from the start. He was not sure where that information came from but it is incorrect, and he does not "suck eggs" for anybody. Councilmember Jensen stated that the things she said at the last Council meeting were what she heard in a discussion with Councilmember Christensen, the Mayor and her. She might have stated it a little differently, but Councilmember Christensen was having problems with UTOPIA and he was fine with it. That is what she had a problem with, that if someone buys a car, you don't expect it to go on the freeway for a mile and then stop. It is expected it will keep going. That is what she meant with her statement. "Sucking eggs" meant Councilmember Christensen was having a hard time swallowing it, but if it was someone else, such as Comcast or Qwest, he would demand for better service. That is what she meant. She did not mean to be disrespectful to Councilmember Christensen, but it was something they talked about. Councilmember Christensen said he is not having a hard time with it. Mayor Fife called for a vote on the motion. The motion for approval of the minutes carried unanimously.

**PUBLIC COMMENT
CONSENT**

- Promotion in the Administration Department
- Promotion in the Parks Division
- Appointment to the Advisory Council on Aging
- Request for Approval of Lease with Box Elder School District for Utilization of Bunderson School Building and Grounds
- Memorandum of Understanding with the Fire Department for Ownership of a 1917 American LaFrance Fire Engine
- Request for Approval of Property Purchase Agreement for Property at 45 North 100 East

SCHEDULED DELEGATION

Bear River Medical Reserve Corps

UNFINISHED BUSINESS

Discussion on the Request to Use Firearms Within City Limits to Eliminate Deer on Farm on 800 West

PLANNING COMMISSION BUSINESS

Request for Zone Change from Multiple Residential and Agricultural District to all Multiple Residential District for Property Located at 650 South 800 West

Request for Approval of Cottonwood Grove PUD Twin Home Development Located at 650 South 800 West

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Promotion in the Administration Department

It was recommended Marge Porter be promoted to Billing Clerk, Grade 39, effective June 18, 2010.

Promotion in the Parks Division

It was also recommended Shane Bradford be promoted to Lead Grounds Maintenance Worker, effective June 18, 2010.

Appointment to the Advisory Council on Aging

Norene Randall was recommended for reappointment to the Advisory Council on Aging and Dennis Spence was recommended for appointment to the same Council.

Request for Approval of Lease with Box Elder School District for Utilization of Bunderson School Building and Grounds

A lease was presented for approval with the Box Elder School District for the lease of Bunderson School for the next ten years for \$1.00 per year, with a three-year option to renew.

Memorandum of Understanding with the Fire Department for Ownership fo a 1917 American LaFrance Fire Engine

The 1917 American LaFrance Fire Engine has been restored by the Volunteer Fire Department for use in parades and special events. This MOU outlines the responsibilities of the Fire Department and the City.

Request for Approval of Property Purchase Agreement for Property at 45 North 100 East

This agreement is for the purchase of the Bunderson Office on 100 East.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Jensen, seconded by Councilmember Christensen and unanimously carried.

SCHEDULED DELEGATION

Bear River Medical Reserve Corps

Megan Schultze, a VISTA Volunteer at the Bear River Health Department, came forward and gave a history of the Reserve Corps. It was established in Box Elder County by the Bear River Health Department in May 2006. They have three focus areas. One is mass casualty incidents, helping with the hospitals if they are overrun with patients.

Another is public health. They have done a lot with this by sending nurses to the clinics and the Health Department to help with vaccinations.

The final focus area is to help the Red Cross with medical help in their shelters.

Mike Wiebel came forward and introduced himself as the new Director for the Bear River Medical Reserve Corps. There are 885 Medical Reserve Corps units nationwide with 900,000 volunteers. The Bear River Corps was able to provide three medical nurses around the clock for three days at the shelter in Logan during the tragic landslide last year.

UNFINISHED BUSINESS

Discussion on the Request to Use Firearms Within City Limits to Eliminate Deer on Farm on 800 West

Michael Christiansen, City Attorney, came forward. The Council previously asked the City attorneys to review the statutes that apply to using firearms within the City limits. City Code 16.03.060, Discharge of Firearms, Air Guns, Bows and Arrows" provides only limited exceptions. It states that it is unlawful unless the person is an officer of the law or a citizen is defending himself, or if it is at a proper place authorized by the Chief of Police. There is an exception for the area west of 1200 West (Watery Lane). The area in question is not within the designated area and it has not been authorized by Chief Tittensor.

Chief Tittensor said the concern is that the Edwards live in a residential area and have neighbors. Other concerns include the railroad at the base of the property and irrigation ditches, which farmers use. On the west side of the railroad tracks is a pasture with cattle. The Division of Wildlife Resources (DWR) has historically taken deer out of the area. They also have a deer repellent that could be used at the Edwards' expense. He did not feel comfortable authorizing shooting at this location, or any location in Brigham City.

Councilmember Jensen suggested a controlled shoot. Chief Tittensor explained that this would take employee time, and there would still be liability for property that could be damaged.

Mayor Fife recommended having Chief Tittensor work with Mr. Edwards to come up with more alternatives. According to the City Ordinance the Chief is the one to determine whether an exception should be given.

Councilmember Marabella stated that citizens on Highland are anxious to see what is done with this situation because they also want help with deer in their yard. Chief Tittensor explained that the DWR will not allow predication in a green belt. If it were somewhere else they would not allow it.

Ms. Edwards came forward and said they have lost an additional 39 fruit trees and 200 tomato plants since this issue was tabled two weeks ago. She said 39 fruit trees may not sound like a lot, but they have lost a year of growth. If they have to be replace them it will be 3-5 years before they produce again.

Councilmember Marabella said the Edwards are running a business, and it is no different than a business on Main Street or anywhere else, they have to put money back into the business. If the business requires them to install a fence to keep the deer out to keep the business running, it would be no different than a business having to re-pave a parking lot to keep the business. The challenge is finding a balance between what is good for an individual resident and what is good for a business.

The Council instructed Chief Tittensor to meet with Mr. and Mrs. Edwards to come up with other alternatives.

PLANNING COMMISSION BUSINESS

Request for Zone Change from Multiple Residential and Agricultural District to all Multiple Residential District for Property Located at 650 South 800 West

Mr. Bradley came forward and explained that this request is to change the zoning for property located at 650 South 800 West. This property is 8.24 acres, of which all but .08 of an acre is currently zoned R-M-7 (Multiple Residential District). The .08 acre is currently zoned A-5 (Agricultural District). The Planning Commission held a public hearing on May 18, 2010 and recommended approval of the request to rezone the entire property to R-M-7.

MOTION: Councilmember Marabella made a motion to approve the zone change from R-M-7 and A-5 for property located at 650 South 800 West to R-M-7 as presented. The motion was seconded by Councilmember Christensen and unanimously carried.

Request for Approval of Cottonwood Grove PUD Twin Home Development Located at 650 South 800 West

Mr. Bradley stated that this is a request for a planned unit development (PUD) for the above development. They are requesting a development of 66 units. The first year 56 units would be constructed. They are twin homes, with most of them being 3-bedroom units and some 4-bedroom. The developers have also developments in Logan, Tooele and Jerome, Idaho. The developers will manage the site. They are proposing subdividing the property so there is the possibility of individual home ownership.

The Planning Commission recommended approval of this request, subject to the following stipulations:

- 1) the east/west road through the development be extended to connect onto 800 West;
- 2) the existing 850 West in the Golden Spike Subdivision south of this development extend and tie into the east/west road;
- 3) due to the width of the road, the Planning Commission recommended no street parking on the east/west length of the road;
- 4) the stub street be shifted to the east to line up with the road to the north;
- 5) comply with the PUD Ordinance and Subdivision Ordinance;
- 6) each driveway have a minimum of 20' in length to allow for adequate off-street parking.

The development will have a community center with a recreation area.

Mr. Kirt Peterson from Horizon Development came forward and explained that their developments differ from other multi-dwelling family developments. Each of the units will have a garage and each will have its own front and back yard. They will do a combination of a block or concrete fence, colored with a decorative top. Rent ranges from \$350-\$700. This is subsidized based on the renter's salary.

Mr. Peterson said according to the Planning Commission's recommendations, they redesigned the project. On the easterly border there will be access to 800 West and 850 West, and access to 1100 West.

The Council discussed parking vs no parking on the street. There will be two car garages with each unit, and an area for two cars in the driveway. There was concern expressed about where visitors will park. Staff was concerned about people parking on the street on garbage days and the conflict of traffic movement. Mayor Fife felt this would be difficult to enforce. Mr. Peterson felt it would be appropriate to allow parking on one side of the street. Councilmember Jensen suggested allowing parking on one side of the street, but restricting parking on garbage day at certain times. It was also suggested that no overnight parking be allowed.

MOTION: Councilmember Marabella made a motion to approve the Cottonwood Grove PUD Twin Home Development located at 650 South 800 West as presented, with the exception to allow parking on one side of the street with no over night parking. If the parking on one side of the street does not appear to be working after 12 months from the day the development opens, it will be brought back to the Council for reconsideration. The motion was seconded by Councilmember Christensen and unanimously carried.

OTHER BUSINESS

Mayor Fife reminded the Council that there is a Special Council meeting on June 24 at 7:00 p.m. to close out the 2009-10 Budget.

A motion to adjourn to an RDA meeting was made by Councilmember Christensen, seconded and carried. An Executive Session to discuss the purchase, exchange or lease of real property was held after the RDA meeting. The Council returned to an open City Council meeting at 9:20 p.m. and adjourned.